

**CONSERVATION COMMISSION
MEETING MINUTES
April 26, 2007
Beginning at 7:30 p.m.
Room 209, City Hall**

MEMBERS PRESENT: I. Wallach, Chairman; D. Dickson, A. Green,
S. Lunin, N. Richardson; Associates:
D. Green, J. Hepburn

MEMBERS ABSENT: R. Freed, R. Matthews

MEMBERS OF THE PUBLIC: Please see attached sign-in sheet.

1. **City-wide Roadway Maintenance:** Continuation of Public Hearing on Request for Determination for routine annual maintenance adj. wetland resource areas throughout the City.

Report: RDA for a decision that would allow them to do work on bridges and within 100 feet of streams and wetlands without a separate filing each time – similar to the stream-cleaning RDA that was given a year ago. You requested additional information in the form of photos and explanations of work on the banks of the various waterways and I requested that info of Engineering, but have not yet received it.

Meeting: John Daghlion presented the projects with photographs and exact descriptions of the proposed repairs. All areas will have booms or absorbent paper placed under the catch basin covers and left for 7 days to allow the asphalt to cure and not enter the adjacent streams. No concrete truck washout will be allowed at any of the sites. The approval was limited to only those locations shown and does not include other areas that may be scheduled beyond 2007. A new RDA should be submitted for each year's work.

2. **3 Fuller Avenue:** Continuation of Public Hearing on Notice of Intent for demo of existing dwelling, construction of new dwelling with amenities. (*NOTE: This item may be continued to 5/24/07*)

Report: continued hearing for additional info on abandonment of the private way; the illegal work on the property next door to this lot. The consultant requested a continuance to April to allow time for the new info to come. I called to inquire as to status and she called to say that new info would be forthcoming, but I have not received it as of this writing. This item may have to be continued again.

Meeting: As requested, the hearing was continued to 5/24/07.

3. **365-381 Elliot Street:** Public Hearing on Notice of Intent for Vegetation Control adj. the Charles River.

Report: They want to continue doing vegetation control behind the mill building. They met all of the requirements from the prior Order and received a Certificate of Compliance. They

forgot to do their renewal in time, so this NOI is for basically the same work over a new 3-year period.

I checked the location when their Certificate of Compliance request came in last fall. The photos in this NOI appear to be the same ones from several years ago when they made their first application, and the existing condition is clear and not in need of vegetation removal. I have requested updated photos so that you may see for yourselves. Also, the bank in the sections where the handrail foundations are located is still undermined and I have serious concerns about bank stabilization. There is language about 'slope stability evaluations', but I had to ask for clarification because I don't know what that means.

Meeting: Dave Pellegri of Rizzo Associates appeared to discuss the work and show the new photographs submitted. Members requested MSDS sheets for all herbicides to be used with a recommendation as to the time of year the work will be done. Members reiterated that wicking of cut stems is the preferred method and stated that this year it appeared to staff that direct spray of standing vegetation had occurred, and that will not be allowed. They also questioned whether the work needs to be done at all as the new photos show a very clean area with crisp edges not in need of pruning. Erosion is occurring on the bank near the catch basin and at the handrail area. Both issues are to be reviewed at the next meeting when the old order is available for review. Pellegri will send DEP the plans they need to issue the number.

Continued to 5/24/07.

4. **111 Brandeis Road:** Public Hearing on Request for Determination for a deck and addition in the Buffer Zone to Great Meadow Swamp.

Report: This project proposes removal of an existing deck, replacement with an addition on piers and construction of a new deck. Work is more than 50 feet from the BVW, no heavy equipment, etc., and qualifies for an RDA rather than a full NOI under your filing guidelines.

Meeting: Paul Melman appeared to describe the project. One triple-trunked tree in the back yard will be lost to the project, but it is in very poor condition anyway and will not survive much longer. It was determined that no mitigation is needed for this minor project. A Negative Determination w/hay bales was voted.

5. **Announcements & General Business:**

Boundary Trespass: 0 Carlisle Street status report

Report: [This is a boundary trespass issue and not within your regulatory jurisdiction.]

There was an incident of dumping of 4 loads of fill on the site the week of 3/26. The owner was ordered to have it removed, but nothing else was to be removed, and he has complied with that directive.

Steve Vona came in with his plans and talked about how he's going to do the work – apparently with a ram hoe. He understands my concerns regarding the integrity of the rock shared by the Murphy land and the Webster C.A. and has said that his contractor has assured him that he can do the rock removal without harming your piece of the rock. We talked briefly about the signage and barricading necessary during the rock operations and I told him to come and see you for permission.

We also talked about potential ways to lessen the existing poor runoff conditions on to your land. It appears that his detention basin in the back – toward Madoc Street – will slow that water down, although Engineering is not thrilled about a detention basin which will probably not receive good maintenance. The water off Carlisle Street can be slowed down in several ways and I suggested that he should meet with me and Frank Nichols to talk about potential options and then he can have his engineer include any appropriate measures into his drainage plan for review by the City. He has a drainage issue to solve and if it can be done in such a way as to cure or at least lessen the drainage problem on your land, we're all to the good, but he can't be required to do something unrelated and/or expensive on your land. Please discuss this with him when he comes in about the barricades and signage for the rock removal.

The plans apparently do not need a 3-foot grade change special permit, so the building permit may be issued by the time of the hearing.

I have not heard from either Murphy or Vona re their appearance.

Meeting: Steve Vona and Peter Murphy appeared as promised because building permit plans have been submitted. They noted that the erosion controls barriers shown on the plan are down the property line. Two attached dwelling units are proposed, with a detention basin down below in the rear yard. Vona stated that the rock breaks up very easily (slate); his operator will peel most of it off the top using a ram hoe. A wall 1-1/2' – 2' in height will be built on the top of the rock at the property line. His ram hoe operator has 65 years of experience and states that it is not a difficult job. Any change in these plans will be noticed to the Commission.

Judy Hepburn and Susan Lunin indicated they will visit the site and see if more protection should be afforded. Alan Green asked what recourse the Commission has if there's a problem, but no direct answer was forthcoming. Vona said he will prevent problems by staying 10 feet off the property line and will stop if there is difficulty and find another way to get the job done. Lunin said that the Commission wants its land undisturbed and Vona agreed that's his goal as well. Questions remain about what reasonable fixes are in place for any damage that is not apparent immediately, but rock failure could occur in ten years. Members agreed they want a consultant to review the plan. Staff to check with the Law Dept. and ISD.

Attorney Michael Peirce appeared on behalf of several neighbors and stated their concern regarding the drainage apparently being worked out as they go along with the development. He believes the additional work on the design must be done prior to issuance of a Building Permit. He also endorsed the ConCom's plan to have review done by a geotechnical advisor. He suggested getting a written breakdown as to how Vona and his consultant will do the work and how it might be modified in the field, noting that damage had already occurred in the 1-1/2 hours of testing to date. The actual work will take longer, with the resulting potential for additional damage. A pre-construction video similar to blasting would be helpful and benefit the ConCom to assess damage.

Ira Wallach wants the written report and would like a video as well. Lunin and Hepburn will go to the site with Norm Richardson and make recommendations. Nancy Radzevich would like to attend the site visit. Vona gave permission for the members to enter the site for the review and expressed an interest in attending.

Vona indicated that upon issuance of the Building Permit he will have 45 days to schedule the work. He will return to the Commission to get permission to implement a

safety plan that may include taping off certain areas and signage notifying visitors to the public land that rock removal operations are ongoing. He will try to get his consultant to come to the meeting, but he lives in New Hampshire and may not be able to attend. He will get a written report in any event.

Neighbors noted that they have similar concerns. Peirce suggested interfacing with ISD. Wallach said that he is very concerned and wants Vona to bring his blaster and a geotechnical advisor to the next meeting.

The Engineering review memo was read and perc tests will be required for the detention basin. Engineering is concerned regarding the viability of the design in a residential situation.

Non-criminal ticketing

Report: This proposed ordinance was tabled by the Finance Committee for additional information. Counsel has reviewed the language regarding continuing violations with a representative of the District Court and information is enclosed. Pls. decide on the wording you want so that we can make any necessary changes and return to Finance to get this moving again.

Meeting: This item was held over to the May meeting due to lack of time for discussion.

Dolan Pond C.A. invasive vegetation project

Report: Blake Rosenbaum has resurfaced and wishes to receive permission for his invasive vegetation project for AP Bio at Newton North.

Meeting: Blake Rosenbaum said that the area he wishes to re-vegetate is approx. 40' set back from the parking area and that it was once cleared of knotweed and has black plastic placed over the cleared area. He wants to plant native species of shrubs, watergrasses and take out knotweed that has sprung up at the edges of the approx. 20' x 20' space. He intends to buy plants from a nursery. Members asked him to submit his 5-page paper on his knotweed research. Susan Lunin and Norm Richardson will meet with him and the site and oversee his planning and the work. He was given permission for the project and asked to return at the end of the project with a photo record for the members to view.

Pending enforcement actions: Crystal Lake Condos

Report: Crystal Lake Condos did the tree removal (dead elms), but needs to defer some of the other permitted work because of lack of funds. I asked them to provide more info, timeline, etc. and their email response is enclosed.

Meeting: Janet Smith and her fellow Trustees submitted new photos and said they are getting a bid for a cut/paint operation using glyphosate for poison ivy and other undesirable vegetation. Doug Dickson suggested having the company come back for a second review as often a second application is needed. Smith will review all the items with their landscaper. Ira Wallach requested a progress report by email by May 15 so that it can be considered at the May 24 meeting.

March 22, 2007 Meeting Minutes for approval – approved.

Dog Park Task Force: Ald. Susan Albright, Ald. Mitch Fischman and Dick Tucker appeared as representatives of the Task Force and discussed the changes in the

regulations that resulted from the Commission's many comments. They said it is unclear as to whether or not people will step forward and be responsible. There is a lot of education/publicity that must occur. There is currently no culture of enforcement as there are insufficient Animal Control Officers. Parks & Rec suggested finding the Task Force a home department and they question whether it should be the Planning Department. The Health Department was suggested as an appropriate alternative. They also noted that the Advisory Group is only an advisory body with liaison between the users and the agencies. They are looking for a letter of support.

Dan Green noted the requirement for groups to sponsor areas and asked what if the groups do not appear. Albright indicated that they want to start with 4 or 5 areas at a minimum, with signage, pamphlets and publicity. Tucker said that immediate enforcement is a large component to the plan to get it up and running as a serious plan. Fischman noted that many park users already have routines and may not want to change their behavior to comply with these rules. Good will is needed on both sides. Brookline's program is successful with 12-14 sites.

Susan Lunin noted that common areas used now include Norumbega and Cabot Woods. Ira Wallach wants them to change the regulatory language so that their 'musts' and 'wills' become 'shall'. He questioned who enforces these regulations? What happens if you don't pay dog tickets? He believes there should be permits to use the facilities in order to take in the necessary funds. Doug Dickson noted that many people don't register dogs and a permit program would require such registration. The resulting fees to use the parks would go to the landowner for expenses. Fischman indicated that fees are the next step; that the landowner should have the authority to levy fees.

The revised regulations will require a public hearing. They noted that Sandy Pooler agreed that it would be highly desirable to have a budget for waste barrels, signage and brochures. They are currently thinking in terms of having the Landowner designate "Wardens" to approach new visitors. Brookline closed one area because it was too small and the handicapped visitors did not feel safe going there at the same time as off-leash dogs. They believe hours should be established for off-leash use as opposed to having areas wide open all the time.

It is their intention to revise the Ordinance and go to Programs & Services for discussion. They would like a letter of support from the Commission. Discussion followed re 'support of the concept' vs. 'support of the specific ordinance'. Dickson said that he believes there is value to giving it a try in that there is more to gain than lose and he expressed the wish that ConCom would work with parks & Rec re times and rules. Fischman suggested that ConCom and Parks & Rec should talk to each other to build credibility for his colleagues who are against the proposal.

Staff to check with Tom Brady, the Conservation Agent in Brookline, as to their experience with ConCom land being used for off-leash dogs. No votes taken.

Staffing update: Interviews are scheduled with the two qualified candidates. Additional outreach will be sought, esp. if the candidates do not suit. My replacement may not be here by the end of May and you will be seeing my supervisor Nancy Radzevich at the April 26 hearing and then she will be taking over for me. The month of May will be a part-time situation for me and I'm only working on special projects and spending time in Maine.

Email exchanges – As Ira Wallach requested I wrote to the Law Dept. for clarification. They have requested more info and I haven't had time to get it together. Ouida Young did say that this issue is getting a lot of review lately and to be very careful.

Certificates of Compliance: None requested to date.

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